



*Maryland Department of Planning*

*Martin O'Malley*  
Governor

*Anthony G. Brown*  
Lt. Governor

*Richard Eberhart Hall*  
Secretary

*Matthew J. Power*  
Deputy Secretary

June 11, 2008

Mr. Jim Gugel, Chief Comprehensive Planning  
Frederick County Division of Planning  
12 East Church Street  
Frederick MD 21701

**Re: 2008 Town of Thurmont Master Plan**

Dear Mr. Gugel:

Thank you for sending the Maryland Department of Planning (MDP) the 2008 Town of Thurmont Master Plan to review. The MDP and other agency comments are attached.

As noted in the previous comments for the Thurmont Region Plan the Plan the growth potential surrounding Thurmont could be strengthened by a more detailed discussion of the size of the Community Growth Areas in the region. This discussion could be improved by expanding the Plan in the areas of population projections of both supply and demand and their impacts on water and sewer capacity, schools, roads and sensitive areas. MDP encourages you to review our previous comments when considering these comments for the Town of Thurmont Master Plan.

The requirements of HB1141 are on the horizon and this plan, as well as, future region and municipal plans should be analyzed in context of HB1141. As you are aware, HB1141, passed during the 2006 legislation session, required the inclusion of two (2) new elements in the comprehensive plan the municipal growth and water resources elements. Comprehensive plans must include all mandatory elements by October 1, 2009 or a jurisdiction cannot re-zone land.

The Plan, as submitted, does not fully comply with the requirements of HB1141. Attached you will find a municipal growth element checklist to assist you. Also, within the comments you will find information to strengthen the Plan for a water resources element.

Please do not hesitate to contact me or Jenny King at 410.767.4500 should you have any questions or concerns.

Sincerely,

Stephanie M. Martins  
Director, Land Use & Analysis

cc: Matthew Power, Deputy Secretary  
Mike Nortrup, Manager, Metro Unit  
Jenny King, Regional Planner



**Maryland Department of Planning**  
**Comments on the 2008 Town of Thurmont Comprehensive Plan**

**Overall**

Thank you for providing the Maryland Department of Planning (MDP) with the opportunity to review the 2008 Town of Thurmont Comprehensive Plan. Numerous divisions within MDP have reviewed this Plan and their comments are incorporated. Generally the headings listed herein correspond to the headings in the Plan.

**Planning Framework Chapter**

Page 3: County and State Plans Section, third sentence, delete the "." after "Additionally".

Page 4: Second list, make quotation marks consistent.

Page 7, Catoclin Mountain Scenic Byway Plan: The Town is wisely building its future by preserving and enhancing its historic assets. Thurmont is a Maryland Main Street Community and is using the Maryland Rehabilitation Building Code, which is tailored for older structures that cannot be easily restored to meet a standard building code. The Town is part of the Heart of the Civil War Heritage Area, the Plan for which is incorporated by reference into the Thurmont Master Plan, as well as part of the Journey through Hallowed Ground initiative. The Catoclin Mountain Scenic Byway Plan covers US 15. "The [Byway] Plan proposes giving lands adjacent to the byway priority in the implementation of [land preservation] programs". The MDP encourages the Town /County to follow through on this proposal and protect land adjacent to US 15.

**Existing Conditions & Trends Chapter**

Page 14: Second paragraph, change the sentence ending in "1999 to 2020, to reach a population of 7,962" to 7,953 per Table 1 on page 15.

Page 17: First paragraph discusses the desire of the Town to attract high-quality mixed-use development. Is this only residential or does this include commercial?

Page 17-18: Notes two (2) pending annexations for residential developments totaling 700 homes on 245 acres. A map should be provided and this information should be incorporated into the municipal growth element.

Page 17: Last sentence states that since 1998 there have been ten (10) rezonings approved on 30 acres. However, the text notes state (need to include update information with chart) which was not included with the Plan.

**Community Character Chapter**

Page 21: Typo under "Community Workshops" section- change "import" to importance.

Page 24: The map provided should include a legend and a municipal corporate boundary. It is difficult to discern the numerous lines.

Page 25: The Design Guidelines section describes neighborhood parks as being approximately 1/4 -1/2 in size that should be provided to serve 150-200 houses. This is a good idea. The County should make sure that such parks are included for acquisition and development in the County's Land Preservation, Parks and Recreation Plan.

#### **Thurmont's Historic Character**

The proposed demolition-by-neglect ordinance (page 30) is a good idea. The policies and objectives for community character are also good. However, if the Town is serious about protecting its historic character, the Plan should be more assertive in its recommendations. Instead of "encouraging" protection and restoration, why not recommend a local historic district to require protection and sympathetic restoration? Instead of "encouraging" developers to follow design guidelines, why not create a form-based code for the historic district, or publish illustrated guidelines, that must be followed?

#### **Environment & Sensitive Areas Chapter**

Page 31: Sensitive Areas section, notes the State's Planning Act of 1992. This section should note the direct Article 66B reference as Section 1.00(j) which lists the requirements of a Sensitive Areas Element. The new requirements now include: "Streams, WETLANDS and their buffers" and "AGRICULTURAL AND FOREST LANDS INTENDED FOR RESOURCE PROTECTION OR CONSERVATION". The bolded text here indicates revised 66B language as per HB1141. These new requirements should be included within the list and addressed accordingly.

Page 33: Native Vegetation section, first sentence, strike the "the" before Thurmont.

Page 36: Notes that the Town did not adopt the Wellhead Protection Ordinance developed with MDE. It may be helpful to include the explanation of this as noted on page 64. Also, the map on page 37 detailing the municipal wellhead protection area-should this be labeled "proposed"?

Page 38: Land Preservation section, strike the "is" in the first sentence. The last sentence should be clarified. Possibly strike the "not" at the beginning of the sentence?

Page 39: The map shows that a couple of land preservation easements abut Thurmont's Growth Boundary. The Plan should say something about preserving more land to create a greenbelt, and about whether or not such a greenbelt should be part of Frederick County's Priority Preservation Area, which the County is currently in the process of creating.

#### **Transportation & Access Chapter**

The proposed Access Plan provides a well planned and interconnected roadway network system that will improve connectivity among communities and support planned expansion of the Town. The transportation element also emphasizes the importance of creating walkable communities and supports walking and biking as alternative transportation. Major pedestrian pathways are planned to enhance pedestrian connectivity to various activity centers and community establishments.

Pertaining to smart growth/transportation planning related issues, we respectfully provide the following comments for your consideration.

#### **The Proposed Thurmont Industrial Boulevard**

It is understandable that the Town wishes to eliminate truck traffic from in-town streets to reduce safety related hazards. For the short term, the Town may focus on in-town solutions that are practical and achievable and have few challenges. How has the SHA's improvement at the Church Street and Woodside Ave worked for the truck traffic? Could Boundary Ave. be improved to serve the Industrial Park better? Currently there are very few residential houses along Boundary Ave. The land use that abuts to the south side of Boundary Ave. should remain compatible with the existence of the rail line and truck traffic so that Boundary Ave. may be used to serve the industrial park.

In the future, if necessary, in order to provide an alternative route for truck traffic, we encourage the Town to consider an alternative that would not have significant adverse impacts on the Town's growth, vision and policies. It appears that the proposed North Village Collector-Connector may provide a more practical solution than the proposed Thurmont Industrial Boulevard. Considering its significant direct and indirect adverse impacts on agricultural and environmentally sensitive areas (Owens Creek), we are concerned that the proposed Thurmont Industrial Boulevard may not be a prudent proposal. Building a new roadway as such may create growth pressure on adjacent areas where the Town and the County intend to preserve from future growth since it is outside of the Community Growth Area. In the long run, the proposed Thurmont Industrial Blvd. may not be consistent with the vision of retaining a small town character for Town's future.

#### **Roddy Road Covered Bridge**

The Town should address strategies to protect and enhance the tourism value of the covered bridge while developing the planned village center east of Roddy Road.

#### **The US 15 Corridor**

The areas surrounding the US 15/Thurmont Blvd and the US 15/Church Street interchanges, and near Franklinville Road and Roddy Creek Road along US 15 (page 75, the Current County Zoning Map) are zoned for General Commercial. The Plan should address corridor management strategies to protect the US 15 Catoclin Mountain Scenic Byway.

In the southeast quadrant of the US 15/Thurmont Blvd interchange, the Town and the County may want to consider a new road paralleling with US 15, connecting Tippin Drive and Pryor Road to provide a more direct access to where future growth is planned. The new road would also enable the consolidation of Pryor Road and Blue Mountain Road access points on US 15 in the future.

#### **Pedestrian and Bicycle Access**

Transportation policies, objectives and strategies on page 49 and 54 will help to create walkable and traditional communities. The Town may consider adopting design guidelines and an implementation procedure to ensure that these neighborhood design related policies, objectives and strategies will be successfully implemented.

Is there a connection between the H&F Multi-Use Trail and the Thurmont Middle School? The State's safe Route to School program could help to build the connection.

For all the proposed new roads and current road improvements in the Access Plan, pedestrian and bicycle facilities should be considered as part of improvements.

For the proposed Mid-Town Pedestrian and Bicycle Connector (D) on page 53, the Town may seek the State funding for the improvement since it is on a State road.

We suggest including "bicycle" in all relevant policy, objective and strategy statements as appropriate on page 49, 54 and 94.

Page 45, Traffic Volume section, correct the year in the list: 1998, 200?, and 2006.

Page 49, Bicycle and Pedestrian Facilities section notes the encouragement of motorized scooters- are they legal in Town?

### **Community Facilities Chapter**

Page 58: First sentence notes the desire for 1-2 acre neighborhood parks but on page 25 under Residential Development, fourth bullet it calls for neighborhood parks to be 20-40,000 square feet. This should be clarified.

This chapter only discusses schools and parks and recreation. However, the policies and objectives discuss water and sewer which were only briefly mentioned at the beginning of the chapter. Further, in the beginning of the chapter APFO is discussed and in addition to water and sewer mentions "streets". Streets are not discussed any further within the chapter. Consideration should be given to also include a discussion of police, fire and library facilities. Please see the matrix below which may be of assistance when writing this section, municipal growth and land use sections. Please note that this is only a guide but this information should be identifiable in these distinct chapters. MDP realizes that much of the information will be overlapped in many of the chapters but the information in each chapter must be easily identifiable.

ITEM	Growth	Land Use	Community Facilities
LAND USE/ DEVELOPMENT			
Present land use map		x	
Future land use map		x	
Future growth areas map	x		
Annexation limits map	x		
Urban/rural areas map			
Neighborhood/Planning Sector map		x	
Acreage inventory by land use/zoning	x		
Vacant land survey by land use/zoning	x		
Annexation policies/guidelines	x		
Existing/proposed development in neighborhood/planning areas		x	
Build-out acreage inventory by land use/zoning		x	
Acreage demand for future development	x		
Number and types of units projected	x		
General recommendations/guidelines for		x	

residential, commercial and industrial land use and development			
Design guidelines/Growth patterns		x	
Definitions/description of individual land use categories and densities		x	
Historic growth patterns	x		
<b>COMMUNITY FACILITIES</b>			
Existing community facilities inventory			x
Total facilities needed at build-out			x
Present shortages/problem areas	x		x
Projected additional facilities needs/locations	x		
Recommended timeline for facilities needed to implement plan	x		x
Growth/development's impact on facilities beyond municipal boundaries	x		
Growth/development's impacts on facilities within municipal boundaries	x		
<b>GOALS, OBJECTIVES, POLICIES</b>		x	x

### **Schools**

The State-Rated Capacities (SRC) and enrollments for the existing schools outlined in the Plan are consistent with the Educational Facilities Master Plan. Overall the Community Facilities Section of the Plan makes a good faith effort to ensure that public facilities are not over-burdened; growth is directed within the Town's municipal growth area; and school facility planning is integrated into the overall local comprehensive planning process.

The Community Facilities Section failed to provide any information on the proposed new elementary school illustrated on the map, thereby making it difficult to provide any additional comments.

### **Water Resources Chapter**

It is important that the Town's Comprehensive Plan include information that will provide guidance for the implementation of the County Water and Sewerage Plan. Additional information that should be included in this Plan:

- A discussion on how, where, and when the Comprehensive Plan envisions the provision of water and sewerage and other services.
- Maps indicating the location of existing and proposed service areas.
- Population projections and a development capacity analysis for all land uses (residential, commercial, industrial) that are proposed to be served by these systems in the future.

- A discussion on exceptions, if any, such as policies that permits the service outside of the growth area for health related issues.

### **Developing a Water Resource Element**

The MDP understands that the Town will work closely with Frederick County in the process of preparing a water resource element. It is necessary for communities to plan for future growth in the context of water supply, wastewater and stormwater management. This Plan has laid some of the groundwork for this element by identifying issues of demand and supply that will be helpful when preparing for possible difficult choices related to growth issues that may need to be made before October 1, 2009. The first paragraph states "...will very likely adopt an amendment to this Master Plan once the county WRE is finalized in 2009." Please note that failure to include a WRE by the October 1, 2009 deadline will result in the inability to rezone land.

To ensure the adequacy of water supplies to support the existing and future development in the proposed land use plan, the Town of Thurmont Master Plan includes a demand forecast and compares this to expected capacity. In addition, the Plan discusses methods of protecting the Town's source water.

Comments on the water demand analysis include:

- The water appropriation permit from the Maryland Department of Environment (MDE) should be discussed, especially its impact on available and future water supply.
- The demand forecast should take into consideration non-residential demand.
- Thurmont should be commended for noting that one of its water pressure zones is nearing capacity and for identifying ways to expand capacity for that water pressure zone. The Community Facilities Element or other chapter should include as one of its objectives to track remaining capacity in this water pressure zone and to initiate expanding this capacity when a certain amount of demand in that zone is reached.
- Water (and sewer) service area maps should be provided to indicate which areas are already served (i.e., are contributing to current demand), and which areas are planned for service (i.e., will contribute to future demand). Explain the connection between the water/sewer service area maps and the Town's planned annexations and growth plans.
- In the "Sub-basin Supply/Demand" section of the Water Resources Element, clarify whether the sub-basin demand (current and forecasted) covers Thurmont only or also includes areas outside of Thurmont. If available, indicate the amount of the sub-basin demand (current and forecasted) for Thurmont only. Also, clarify whether the sub-basin's estimated groundwater availability (current and forecasted) covers Thurmont only or also includes areas outside of Thurmont.

Mathematical errors should be fixed in Table 6A. The headers for the table should be explained more clearly as well. Include a reference to Table 7 on page 77 as the methodology for the "Maximum Development Potential" header in Table 6A. Improve the discussion on pages 62-63 to more clearly explain what the results of Table 6A mean. Tables 6a and 6b should be connected to a municipal growth element through a municipal population projection.

Comments on the proposed methods for protecting the Town's source water:

- The source water protection policies and objectives listed in the Community Facilities and Sensitive Areas chapters could be moved to the Water Resources Element.

The Town of Thurmont Master Plan identifies the streams affected by land use impacts (p.33), maps the watersheds that drain into the streams (p.34), and identifies the WWTP discharge point location (p.65); however, the Plan also should include a discussion of whether the streams are suitable receiving waters for expected land use impacts, and should include forecasts of wastewater (both WWTPs and septic tanks) and stormwater impacts. If possible, the Town should work with Frederick County to determine if the County can complete these forecasts for the Town.

Comments on identifying suitable receiving waters:

- MDE can assist with wastewater and nonpoint source pollution (i.e., septic tanks, stormwater) impact forecasts.
- The Maryland Department of Planning (MDP) can forecast future land use patterns and future number of septic tanks – both are necessary inputs for wastewater and nonpoint source pollution impact forecasts.
- The Town includes a forecast of future wastewater demand, the first step in completing the wastewater impact forecast.
- Indicate whether septic tanks exist within the current Town boundaries and within the proposed growth area. Note whether the Town plans to connect these systems to the central WWTP, and if so, how this would impact available WWTP capacity to accommodate future demand. The exact amount of capacity needed to connect existing septic tanks should be indicated.
- Fix mathematical errors in Table 6B. The headers for the table should be explained more clearly as well. Include a reference to Table 7 on page 77 as the methodology for the "Maximum Development Potential" header in Table 6B. Improve the discussion on pages 65-66 to more clearly explain what the results of Table 6B mean.
- The "Municipal Growth and Land Use" chapter, "Drainage Basin Boundary" section, should provide a map showing which portions of the Town and its proposed growth area fall outside of the current drainage basin (i.e., Hunting Creek watershed). The section discusses the possibility of a second WWTP to serve portions of the Town outside of the current drainage basin. Please indicate the proposed discharge location for the WWTP, number of people to be served (including if service will extend beyond the growth area boundaries), when they would likely be served, permitting needs (especially in light of the point source goals of the Maryland Chesapeake Bay Tributary Strategy), and associated costs. Given the above information, discuss the feasibility of the second WWTP.
- The Town of Thurmont Master Plan identifies many different policies, objectives, and strategies that can help reduce pollution. The Water Resource Element should refer to these, noting that these efforts might help to make water bodies more suitable for receiving wastewater and stormwater impacts from existing and future development. Some of these include sprawl reduction efforts (urban growth boundary - p.71, infill before annexations – p.72, mixed use – p.81, etc.),



stream buffers – p.40, steep slope protection – p.35, wetlands protection – p.35, on-street parking – p.99, alternative transportation – pp.49-50.

Other water resource planning comments:

- The Sensitive Areas element should discuss “agricultural and forest lands intended for resource protection or conservation” as required by HB1141.
- In recognition of the importance of protecting and restoring the Chesapeake Bay and its tributaries, including the Potomac River, the Sensitive Areas element should discuss how the Town will contribute towards implementing the Chesapeake Bay Tributary Strategy.
- Policies and objectives should be added to the Water Resource Element section.
- Please refer to the review criteria (pp. 27, 32-33, 39-40) in the Water Resource Element Models & Guidelines document for further guidance - <http://www.mdp.state.md.us/mgs/pdf/mg26.pdf>.

### **Municipal Growth and Land Use**

Attached at the end of these comments is a “Municipal Growth Element Checklist”.

MDP has reviewed the Town’s Municipal Growth Element and determined that, although some of the requirements of HB 1141 have been sufficiently addressed, the Plan in its current state does not meet all of the requirements of this legislation. Several modifications must be made to comply with this legislation.

The Municipal Growth Element is closely linked to both the Water Resources Chapter and Community Facilities Chapter, it is important to properly link these chapters together. The purpose of the Municipal Growth Element is to identify areas for future growth consistent with the long-range vision of the Town for its future. The growth element should be developed based on consideration of several factors including population projections, an assessment of land capacity and needs and an assessment of infrastructure and sensitive areas. The Town may want to review MDP’s Models and Guidelines 25 for more specifics on the requirements.

### **Population Projections and Build Out Analysis**

The Town has done a good job of incorporating a development capacity/build out analysis into the draft Plan. However, it is difficult to determine the link between future growth projections and the build out analysis for the Town. The use of several time frames for both population and household projections makes it difficult to determine if there is the proper balance between land supply and population demand.

On page 14 of the draft Plan Table 2 shows two possible projections for the Town, noting that for future planning purposes the Town will use the 35 du/year projection. These projections span from 2008-2028. However, this Plan has a 25 year planning horizon (page 76) or 20 year horizon according to page 85. The projections should be provided for that 20 or 25 year horizon. This projection estimates the total population in 2028 to be 8,301 persons an overall increase of 2,993 persons from 2000. Then page 76 of the Plan states that assuming an average of 25-35 du/year and a 25 year planning horizon the resultant development yield of 625 to 825 units, by what year? If we use the average household size of 2.64 used on page 77 of the plan, this would equate to 1,650 to 2,178 additional persons for the 25 years. Without knowing the 2008 population these

figures do not correspond to the increase projected in Table 2 of page 14. There should be one consistent time frame for the projections.

Additionally, it is difficult to link the projections to the capacity analysis. Page 77 of the plan summarizes residential build out potential for the municipal growth areas. This table does a good job of summarizing the vacant acres in Town and the MGB, however, it does not tell the infill potential, given that growth policy states that 10 of the 35 du/year be infill this is an important figure. Also, the total population potential for all of the Town and its growth area could accommodate an additional 5,273 people. There appears to be an imbalance between population demand and land supply. Page 76 of the Plan states that the municipal growth boundary has available capacity for 45 years of growth and page 82 states there are 690 acres of residential lands available representing a 57-year supply.

In the context of planning it is important to strive for a balance between land supply (capacity) and demand. If a balance does not exist then two scenarios will exist:

- Provide too little land for development (such as greenfields, redevelopment or infill), and the land cost will become too high or development may spill over to adjacent areas.
- Provide too much land for development and it will tend to be used inefficiently. In addition, plans and growth controls will be marginalized because there are an abundance of options for new development.

Additionally the Town should ensure that the following requirements are addressed in the Plan:

- The Plan should outline any areas subject for future annexation and the type and density expected for these areas, a timeframe for future annexations should also be included.
- A discussion on how the build out analysis corresponds to projected growth, in addition to a timeline for what lands will be developed and when they will be developed to meet future demand should be included.
- A more detailed plan for how the Town plans on financing future facility needs is necessary. If it is the Town's intent that developer(s) absorb infrastructure expenses associated with major development, what portion of the costs should developer(s) absorb? Should the developer(s) donate land for a school site, pay for the update of a treatment plant, or increase capacity for public water? Under what conditions should the developers provide such assistance?
- Projected additional community facility needs and the potential location for those facilities. Additional information should be provided on the potential impacts of the projected growth on all community facilities, even those the Town does not provide now, such as a police protection.

### **Community Facilities**

HB 1141 requires the Municipal Growth Element examine the relationship between infrastructure supply and future demand for annexation areas. This includes: public school capacity, library services, police, fire, water and sewer facilities, stormwater management systems and recreation facilities. The draft Plan provides some discussion

on water and sewer facilities, schools and parks. However, the Plan should also discuss other relevant infrastructure, such as, police, fire, and library services. Additionally, any foreseeable impacts to these facilities from growth and how the Town intends to finance improvements to these facilities.

On page 55 of the draft Plan, it is noted that currently none of the schools in or around Thurmont are experiencing capacity problems. What if any, impact will future growth have on these facilities? The Plan should outline the potential impact of future growth on school capacity and identify any possible deficiencies in the system.

The map on page 57 shows several proposed infrastructure improvements within the Town's growth area. There is a proposed elementary school and three proposed parks. Page 55 stated that no schools were at capacity, without a more detailed discussion on how future growth will impact facilities it is difficult to determine how these facilities relate to the future of the Town.

### **Miscellaneous Comments**

The Plan discusses the opportunities for infill development. On page 72, under Residential Growth Strategies it states that "Priority should be given to development within the Town limits before additional property is annexed." The Plan should address what incentives and mechanisms are in place or should be created to implement this policy.

Page 78: first paragraph correct the dates- 1996 should be 1995?

Page 79: Rural Residential – The zoning designation of Rural Residential to land where the maximum density would be approximately 3.6 dwellings/acre does not seem appropriate in name or density.

Page 80, second to last paragraph insert square footage of the two shopping centers.

Page 83: Summary is missing.

Page 86: "Growth Management Strategy" is not on page 66.

### **Maps**

In comparing the Thurmont Master Plan Future Growth Area Recommended Plan- March 2008 with the Thurmont Region FCPC Recommended Plan- February 15, 2008 there is a difference in both the Community Growth Boundary and land use designation in the northeast section. The municipal plan shows this area as being "Village Center" and includes the swath of land designated as "Quasi/Public Parkland/Open Space" whereas the region plan shows this area as being "Mixed Use" and does not include the "Quasi/Public Parkland/Open Space" lands within the Community Growth Boundary. There are further discrepancies between the two maps between the use of "Village Center" and "Mixed Use" and there is an area on the municipal plan map toward the west that is largely "Resource Conservation" which is not reflected on the regional plan map. These maps and the Plans should be reviewed for consistency with one another.